

Version

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Effective
June 20, 2005

UNITED STATES DISTRICT COURT - DISTRICT OF COLORADO

Electronic Case Files

ELECTRONIC CASE FILING PROCEDURES (CIVIL CASES)

**ELECTRONIC CASE FILING PROCEDURES FOR THE DISTRICT OF COLORADO
(CIVIL CASES)**

Effective June 20, 2005

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ELECTRONIC CASE FILING PROCEDURES FOR THE DISTRICT OF COLORADO (CIVIL CASES)

Effective June 20, 2005

I. ELECTRONIC CASE FILING SYSTEM

A. In General. Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, all documents filed in civil cases on or after June 20, 2005, shall be filed electronically in a portable document format ("PDF") using the Electronic Case Filing System ("ECF") connected through the court's website at <http://www.cod.uscourts.gov>.

B. Exceptions.

1. **Materials Which Cannot Be Converted to Electronic Form.** Materials which cannot be converted to electronic form (e.g., videotape, audiotape, etc.) may be filed by delivering them directly to the Clerk's Office and following Section V.H.6 of these procedures. For brevity, these procedures sometimes refer to these materials as "conventionally submitted materials."
2. **Initiating Documents.** Complaints, petitions, notices of removal, civil cover sheets, summonses, and other case-initiating documents are governed by Section V.D. of these procedures.
3. **Sealed Cases.** *[The court is currently reviewing the technical and operational issues raised by sealed cases and sealed documents. Procedures will be circulated when these issues are resolved.]*
4. **Sealed Documents, Ex Parte Submissions and Documents for in Camera Review.** *[The court is currently reviewing the technical and operational issues raised by sealed cases and sealed documents. Procedures will be circulated when these issues are resolved.]*
5. **Transcripts.** Transcribers and court reporters shall file transcripts in accordance with 28 U.S.C. § 753 (b) in paper unless otherwise ordered by the court.
6. **Prisoner Pro Se.** Prisoner pro se parties may not use ECF and

must file their documents in paper. Their documents will be scanned and uploaded into ECF by court staff.

7. **Non-Prisoner Pro Se.** Unless they comply with Section III.B.2 of these procedures, non-prisoner pro se parties may not use ECF and must file their documents in paper. Their documents will be scanned and uploaded into ECF by court staff.
8. **Application for Attorney to File in Paper.** An attorney may apply for permission to file documents in paper by following Section II of these procedures.
9. **Social Security Cases.** Social Security cases are governed by Section VII of these procedures.

C. Official Files and Records.

1. **Files.** The Clerk's Office will not maintain a paper court file in any civil case commenced after June 20, 2005, except as otherwise provided in these procedures.
2. **Official Record.** The official court record from June 20, 2005, forward shall be the electronic file maintained on the court's servers and any documents or exhibits which these procedures allow to be filed by delivery to the clerk's office and are not scanned and posted to ECF.
3. **Filing for Purposes of Rules.** Electronic transmission of a document to ECF consistent with these procedures, together with the transmission of a Notice of Electronic Filing which the court's system generates from the electronic submission, constitutes filing of the document for purposes of the Federal Rules of Civil Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79.
4. **Filer Required to Maintain Certain Documents.** Documents (a) that are electronically filed and (b) that require original signatures, other than or in addition to that of the filer (e.g., affidavits), must be maintained in paper form by the filer until two years after all time periods for appeal expire. At the request of the court, the filer must provide original documents for review.

5. **Legible.** Filers are required to verify that all documents are legible before the documents are filed electronically with the court.

D. System Availability.

1. **Schedule.** ECF will be available 24 hours a day, seven days a week. If maintenance or repairs require a period of down-time, advance notice will be provided on the court's web site.
2. **ECF Help Desk.** The ECF help desk is supported between the hours of 8:00 a.m. and 5:00 p.m. Mountain Time. The help desk may be contacted by:
 - a. telephone at 303-335-2050 or 1-866-365-6381; or
 - b. e-mail at cod_cmecf@cod.uscourts.gov.

II. APPLICATION FOR ATTORNEY TO FILE IN PAPER FORMAT

- A. **Permission Required.** In exceptional circumstances, an attorney may apply to a judicial officer designated by the Chief Judge for permission to file documents in paper format.
- B. **Application.** An application for leave to file in paper format is available on the court's web site at <http://www.cod.uscourts.gov> or from the Clerk's Office. Applications shall be filed in paper with the clerk. See ECF Form 1.

III. REGISTRATION FOR PACER AND ECF

- A. **PACER Registration Required for ECF.** Documents already on the court's servers are accessed through the Public Access to Court Electronic Records ("PACER") Service Center. The Notice of Electronic Filing generated by each transmission of a document to ECF permits the filer and each recipient, without charge, to view, print, and/or download the document filed. Any subsequent use of ECF to review documents requires a PACER login, in addition to the ECF login and password issued by the court. To register for PACER, a user must complete the online form or submit in paper a registration form available on the PACER web site (<http://pacer.psc.uscourts.gov>).

B. Court Registration Required for ECF.

1. **Attorney Admitted to Practice in this Court (See D.C.COLO.LCivR 83.3 A).** An attorney who is a member in good standing of the bar of this court shall, before filing any pleading after June 20, 2005, register as a participant in ECF by completing the ECF Attorney Registration Form available on the court's website and submitting it electronically to the Clerk's Office. After the registration is approved by the court, the Clerk's Office will send the attorney's ECF login to the attorney's e-mail account.
2. **Non-Prisoner Pro Se.** A non-prisoner pro se party may apply to register as a participant in ECF by completing an ECF Registration Form - Pro Se and submitting it, in paper, to the Clerk's Office. See ECF Form 2. If the applicant is approved by the court, the Clerk's Office will send the applicant's ECF login to the applicant's e-mail account. Upon (1) closure of the case for which access is granted (and the expiration of all appeal periods) or (2) entry of appearance by counsel on behalf of the pro se party, the account will be deactivated.
3. **Consent to Electronic Service.** Registration as a participant in ECF shall constitute consent to electronic service of all documents in accordance with the Federal Rules of Civil Procedure.
4. **Revocation of ECF Registration and Access.** The court may for good cause revoke the ECF registration of an attorney or non-prisoner pro se party.

IV. LOGIN AND PASSWORD

- A. Change of Password.** After registering, an attorney or non-prisoner pro se party may change his or her ECF password. Directions on how to do so are explained in the ECF User's Manual on the court's web site at <http://www.cod.uscourts.gov>.

B. Restrictions on Use.

1. No attorney shall permit or cause to permit his or her login and password to be used by anyone other than a person whom the attorney has authorized to file in the attorney's name.

2. A non-prisoner pro se party shall not permit or cause to permit any other person to use his or her login or password.
- C. **Responsibility and Sanctions.** An attorney or non-prisoner pro se party is responsible for all documents filed using his or her login and password, and is subject to sanctions under Fed.R.Civ.P. 11.
- D. **Security of Password.** If an attorney or non-prisoner pro se party believes that the security of an existing password has been compromised or that an ECF account has been misused, the attorney or non-prisoner pro se party must change his or her password and contact the ECF help desk immediately.
- E. **Change of E-Mail Address.** An attorney or non-prisoner pro se party whose e-mail address changes, shall, within ten days, (1) change the e-mail address in the account maintenance link in ECF and (2) file a notice of change of e-mail address.

V. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. In General.

1. **Filing in ECF.** All motions, pleadings, papers, applications, briefs, memoranda of law, or other documents shall be electronically filed in ECF, except as otherwise provided by these procedures. Except as otherwise provided with respect to case-initiating documents (see Section V.D of these procedures), e-mailing a document to the Clerk's Office or to a judicial officer does not constitute filing the document.
2. **Notice of Electronic Filing Required.** The notice of electronic filing will note when a pleading or paper was received in ECF.
3. **Fees Payable to Clerk.** Any fee required for filing a pleading or paper is payable to the Clerk, U.S. District Court by check, money order, credit card, or cash. The Clerk's Office will document the receipt of fees in ECF. See Section V.D.3.c for payment instructions.

B. Time of Filing Documents in ECF.

1. **Document Deemed Timely.** A document will be deemed timely

filed in ECF if it is filed prior to midnight (Mountain Time) on its due date unless a specific time is designated by a judicial officer in an order.

2. **ECF Technical Failure.** The Clerk's Office may deem the ECF site subject to a technical failure on a given day if the site is unable to accept filings. In the event of a technical failure, notice thereof will be posted on the court's web site, and documents due that day shall be due the next business day.
3. **Filer's Technical Difficulty.** A filer who cannot file a pleading or document due on a given date in ECF because of a technical difficulty not covered in Section V.B.2 above must file as soon as practicable a motion for extension of time to file the pleading or document.

C. Signatures.

1. **"s/ signature."** Every pleading, written motion, and other paper requiring a signature must include a signature block with the filer's name preceded by an "s/" and typed in the space where the signature would otherwise appear.
2. **Filer's Signature on Case-Initiating Documents.** Because the special rules concerning case-initiating documents do not require use of a login and password, the "s/ signature" serves as the filer's signature on all such documents filed with the court. It also serves as the filer's signature for purposes of the Federal Rules of Civil Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.
3. **Filer's Signature on Other Documents.** The login, password, and the "s/ signature" serve as the filer's signature on all documents, other than case-initiating documents, electronically filed with the court. They also serve as the filer's signature for purposes of the Federal Rules of Civil Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.
4. **Signature Block.** The correct format for a signature block is as follows:

s/ Pat Attorney
Pat Attorney
ABC Law Firm
123 South Street
Denver, CO 80202-1234
Telephone: (303) 555-5555
FAX: (303) 555-5554
E-mail: patattorney@xyz.com
Attorney for (Plaintiff/Defendant) XYZ Company

5. **Multiple Signatures.** When a stipulation or other document (e.g., a joint motion or joint exhibit list) requires two or more signatures:
 - a. the filer shall confirm that the content of the document is acceptable to all signatories by obtaining their original ink signatures or facsimile signatures on the document; and
 - b. the filer shall file the document electronically using the “s/ signature” for each signatory.
6. **Non-Attorney/Third Party Signatures.** If an original document requires a signature other than that of the filer (e.g., an affidavit), the filer must obtain the original ink signature of the signatory on the original paper document. The filer shall then cause the “s/ signature” of the signatory to be placed on the electronic word processing version of the document. After obtaining the ink signature(s) on paper and affixing the “s/” signature(s) to the word processing version, the filer shall cause the word processing version to be converted to PDF and posted to ECF. Scanning the original and posting the scanned result to ECF should be avoided. By filing the document, the filer certifies that the document has been signed by all necessary people, including affiant and notary if applicable, that the ink-signed original exists, and that the original will be available in the filer’s office for inspection.
 - a. This rule includes all notarized documents.
 - b. The electronically-filed document as it is maintained on the court’s servers shall constitute the official version of that record.
 - c. Upon request by an attorney of record, a pro se party or the

court, the original document must be made available for inspection.

D. New Cases.

1. **Initiating Documents from ECF Registrants.** Case-initiating documents (e.g., complaint, petition, notice of removal, etc.), civil cover sheet, and summons (if the initiating party is requesting the clerk to issue a summons) shall be submitted to the clerk's office by (1) e-mail, (2) 3.5" disk, or (3) CD. The clerk's office will post these materials to ECF.
2. **Submitting Initiating Documents by Disk or CD.** The 3.5" disk or CD should be clearly labeled with the case's short title and PDF file name affixed to the disk or CD. The filing fee should be tendered with the disk or CD or a PDF version of the application to proceed pursuant to 28 U.S.C. § 1915 should be contained on the disk or CD.
3. **Submitting Initiating Documents by E-mail.**
 - a. **E-mail Address.** The e-mail address for submitting initiating documents is newcases@cod.uscourts.gov. Except as otherwise stated in these procedures, only case-initiating documents, civil cover sheets and summons forms may be sent to this e-mail address.
 - b. **Subject Line.** In the subject line of the new cases e-mail, indicate that this is a new case by typing "new case" and the short case title (new case - *Jones v. Smith*) in the subject line.
 - c. **Filing Fee.** In the e-mail, indicate whether the filing party is:
 - i. paying the filing fee by cash, check, or money order separately delivered to the Clerk's Office and, in the case of a check or money order, made payable to "Clerk, U.S. District Court" and containing the short case title typed or written directly on the memo line of the check or money order:
 - ii. paying the filing fee by a credit card on file with the

Clerk's Office;

- iii. paying the filing fee by a credit card not on file with the Clerk's Office, in which case the filing party will provide, in the e-mail or separately, the type of credit card (e.g. Visa, MasterCard and Discover Card), the name, address and telephone number of the cardholder, the card number and date of expiration; or
 - iv. requesting waiver of the filing fee, in which case the initiating party will separately attach to the e-mail a PDF version of the application to proceed pursuant to 28 U.S.C. § 1915.
- 4. **Initiating Documents from Parties Filing in Paper.** Initiating documents received from parties filing in paper will be scanned and posted to ECF by court staff upon payment of the filing fee or order to commence an action.
 - 5. **State Court Pleadings.** Copies of state court pleadings in proceedings removed from state court must also be provided in PDF and included with the filing of the notice of removal.
 - 6. **Service.** A party may not serve a complaint electronically. Service must be in accordance with Fed.R.Civ.P. 4.
 - 7. **Summonses.** Summonses received via the new cases e-mail address (see Section V.D.) will be issued by the clerk and returned to the filer by reply e-mail, unless the filer specifies an alternate means of return and furnishes information sufficient for the clerk to implement this alternate means. A party submitting a summons for issuance via disk or CD must furnish instructions concerning the means by which the clerk is to return the summons.

E. New Pleadings that Add or Delete Attorneys.

- 1. **Appearance.** ECF only recognizes an appearance of an attorney or party who (1) signs a pleading/paper or (2) files an entry of appearance in ECF. Although an attorney may, under D.C.COLO.LCivR 11.1, participate in or attend a hearing by entering an oral appearance in a proceeding before a judicial

officer, the attorney will not be listed as an attorney of record in ECF, and will therefore not receive any Notices of Electronic Filing, unless the attorney also signs a pleading/paper or files an entry of appearance.

2. **Withdrawal of Appearance.** Withdrawal of an appearance shall be in accordance with D.C.COLOLCivR 83.3 D. Upon entry of the order granting withdrawal, the clerk shall terminate the movant as an attorney of record in that case in ECF.
3. **No Substitution of Counsel.** There is no substitution of counsel. Withdrawal and entry shall be done in accordance with the court's local rules and as stated above. Existing counsel may not withdraw and new counsel may not enter an appearance by filing a substitution of counsel.

F. Motions Practice.

1. **Motion needing Immediate Attention.** When a motion for a temporary restraining order, preliminary injunction or any other motion requiring immediate attention has been presented, the filer shall call the Clerk's Office at 303-844-3433 to notify the court of such filing.
2. **Leave of the Court.** If filing a document requires leave of the court (e.g., an amended complaint, sur-reply brief, etc.), the filer shall post the proposed document as an ECF Attachment to the motion. (See Section V.H.3 of these procedures concerning filing of attachments.)

G. Service.

1. **Certificate of Service Required.** A certificate of service shall be made part of the pleading in ECF. A certificate of service shall list all parties entitled to service or notice, and the manner in which service or notice was accomplished on each party. Sample language for a certificate of service is attached to these procedures as ECF Form 3.
2. **Notice of Electronic Filing Constitutes Service on ECF Participant.** When a pleading or document is filed in ECF, ECF will generate a Notice of Electronic Filing. If a recipient is a

registered participant in ECF, the ECF generated Notice of Electronic Filing shall constitute service of the document.

3. **Service on Parties Not Registered for ECF.** Filers are required to serve copies of any electronically filed pleading, document, or proposed order on parties not registered for ECF according to the Federal Rules of Civil Procedure.¹ When serving paper copies of documents that have been electronically filed, the filer shall include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.
4. **Three-Day Rule.** The three-day rule in Fed.R.Civ.P. 6(e) for service by mail shall apply to service by electronic means.
5. **Paper Copies.** A filer who is permitted or required to file paper copies of documents shall file the original and two copies, or file by facsimile in accordance with the local rules, with the Clerk's Office and must also serve paper copies on all parties entitled to service or notice.

H. Oversize Electronic Documents; Exhibits to a Pleading, Motion, Brief, or Other Paper.

1. **Size.** The size limit for each PDF file/document filed in ECF is two megabytes (2,097,152 bytes).² For the purpose of this procedure, each electronically-filed pleading, motion, brief, or other paper, and each exhibit to the pleading, motion, brief, or paper (whether the exhibit is denominated by the filer as an exhibit, attachment, appendix, or otherwise) is a separate PDF file/document. Filing these files/documents in ECF requires use of ECF's "Attachment" feature.
2. **Oversize Documents to Be Broken into Separate Parts.** Any PDF file/document which exceeds two megabytes shall be

¹A filer may check ECF to see if a party is registered to receive e-mail noticing before posting a filing in ECF. This can be accomplished by clicking on the Utilities menu choice. Under the miscellaneous heading, click on the Mailings link. Click on the Mailing Info for a Case link, enter the case number and click on the Submit button. If more than one case matches the case number, a case verification window may appear. The Electronic Mail Notice List and Manual Notice List appears.

²Two megabytes may be equivalent to approximately 60 pages of plain, typed text or 30-40 pages of scanned information.

separated into electronic files of two megabytes or less each, and each file must then be filed in ECF.

- a. **Oversize Pleading, Motion, Brief, or Other Paper.** If the oversize document is the pleading, motion, brief, or other paper being filed, the electronic PDF file containing the first part of the pleading, motion, brief, or other paper will be submitted as the main document (e.g., Brief in Support of Motion for Summary Judgment), and the electronic PDF file(s) containing the remaining part(s) of the pleading, motion, brief, or paper will each be submitted as a separate ECF Attachment(s) to the main document. The filer must label each part clearly when attaching it in ECF.
 - b. **Oversize Exhibits to an Electronically-Filed Pleading, Motion, Brief, or Paper.** If the oversize document is an exhibit to the pleading, motion, brief, or other paper being filed, the electronic PDF files containing the parts of the exhibit will be submitted as separate, successive ECF Attachments to the main document. The filer must label each part clearly when attaching it in ECF.
3. **Exhibits to an Electronically-Filed Pleading, Motion, Brief, or Paper.** Each exhibit referenced in a pleading, motion, brief or other electronic filing (whether the exhibit is denominated by the filer as an exhibit, attachment, appendix, or otherwise) shall be submitted to ECF as a separate ECF Attachment to the main document, regardless of the size of the file containing the exhibit. The filer must label each exhibit clearly when attaching it in ECF.
 4. **Sample(s).** If the filer follows these procedures and the menus in ECF, the docket entry for an oversize document or for a pleading, motion, or brief with exhibits will appear as follows (hyperlinks bolded and underscored):

Sample Docket Entry:

01/21/2005	<u>185</u>	BRIEF in Support of 184 MOTION for Summary Judgment filed by Defendant Golden Rule Insurance Company Pages 1-50. (Attachments: # <u>1</u> Continuation of Main Document Brief in Support of Motion for Summary Judgment Pages 51-70 # <u>2</u> Affidavit of John Smith # <u>3</u> Deposition Excerpts Jane Doe's Deposition # <u>4</u> Exhibit A Contract Between XYZ Company and ABC Company Pages 1-15 # <u>5</u> Exhibit A Contract Between XYZ Company and ABC Company Pages 16-24 # <u>6</u> Conventionally submitted Videotape Deposition of John Doe)(gms,) (Entered: 01/21/2005)
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Sample of the screen viewed when the hyperlink to Sample Document #185 is clicked:

Document Selection Menu		
1. Multiple Documents		
Select the document you wish to view.		
Part	Description	
1	Main Document	50 pages
2	Continuation of Main Document Brief in Support of Motion for Summary Judgment Pages 51-70	19 pages
3	Affidavit of John Smith	2 pages
4	Deposition Excerpts Jane Doe's Deposition	3 pages
5	Exhibit A Contract Between XYZ Company and ABC Company Pages 1-15	15 pages
6	Exhibit A Contract Between XYZ Company and ABC Company Pages 16-24	9 pages
7	Conventionally submitted Videotape Deposition of John Doe	1 page

* * *

5. **Color or Graphics.** Because documents scanned in color or containing graphics take longer to upload, filers must configure scanners to scan documents at 200 dpi and not in color.
6. **Conventionally Submitted Materials.** A party may conventionally submit, without seeking leave of court, (1) exhibits or materials that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) or (2) voluminous records of administrative agencies in proceedings to review actions of such agencies or of state court proceedings in habeas corpus cases, where such records are not available in electronic format. (See Section I.B.1) Conventionally submitted materials must be submitted according to the following procedure.
 - A. **Cover Page.** Conventionally-submitted materials shall be submitted with a paper cover page containing the case caption, a description of the materials, and a designation of the pleading or motion to which the materials relate (e.g., "Videotape Deposition of John Doe, Exhibit 7 to Plaintiff's Motion for Summary Judgment"). The PDF version of the cover page shall be an ECF attachment to the electronically-filed pleading, motion, or paper to which the materials relate. (See samples above.) A paper copy of the Notice of Electronic Filing of the ECF attachment shall also be

submitted to the Clerk's Office with the materials.

- B. **Receipt of Conventionally Submitted Materials.** The Clerk's Office will note in ECF its receipt of the conventionally submitted materials with a text-only entry.
- C. **Service.** The filer must serve the conventionally submitted materials on all other parties. The Notices of Electronic Filing generated by the electronic filing of the cover page and by the court's text-only entry noting receipt of the materials shall not constitute service.

I. Trial Documents.

Trial documents such as proposed jury instructions, exhibit lists, and proposed voir dire questions shall be electronically filed in ECF so that their filing can be part of the official record. A judicial officer also may impose additional requirements to facilitate use of the documents at trial (e.g., require paper or require that a Word Perfect or text [*.txt] version of the documents be submitted on disk or CD or sent to the chambers e-mail address listed in Section V.L.2.c.). Any additional requirements may be found by reviewing the judicial officers' procedures on the court's web site, <http://www.cod.uscourts.gov>.

J. Docket Entries To Be Made by Filer.

- 1. **Title of Docket Entry.** The filer is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court. If the filer is in doubt, he or she should contact the ECF help desk for assistance.
- 2. **Correction of Docket Entry.** After a document is filed in ECF, corrections to the docket can only be made by the Clerk's Office. ECF will not permit the filer to make changes to a document or docket entry after the transaction has been submitted.

K. Correction of Filings.

- 1. **Documents Filed in Error in Correct Case.** A document filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) shall remain a part of the record as filed. Upon discovery of an error, the filer shall immediately post the correct document in the case in ECF, and modify the title of the pleading as appropriate (e.g.: "Amended").

2. **Document Filed in Wrong Case.** If a document is filed in the wrong case the filer shall:

- a. file a motion requesting that the document be stricken in the case in which the incorrect filing was made; and
- b. file the document in the correct case.

L. Proposed Orders.

1. **How to Submit to ECF.**

- a. A proposed order shall be submitted electronically to ECF as an ECF Attachment to the motion requesting the relief to be ordered.
- b. If the proposed order does not require the filing of a motion, (e.g. Proposed Scheduling Order, Proposed Pre-Trial Order, etc.) it shall be submitted electronically as a separate ECF filing.

2. **Additional Submission to Judicial Officer.** Because the electronically-filed PDF document submitted to ECF cannot be changed by a judicial officer, the filer, after filing the proposed order in ECF, shall also submit the proposed order as follows:

- a. **Word Processing Format.** A proposed order must be submitted in a Word Perfect or text (*.txt) format. Judicial officers will not accept proposed orders in PDF format.
- b. **E-Mail Transmission to Judicial Officer.** A proposed order shall be sent via e-mail to the chambers of the assigned district judge and magistrate judge. A proposed order shall be sent as an attachment to the e-mail. The subject line of the e-mail shall contain the case number, short title, the words "Proposed Order," and the docket number of the motion to which the proposed order relates (e.g., *Jones v. Smith*, case number, Proposed Order re Docket Entry #85).
- c. **E-Mail Addresses of Chambers.** Only proposed orders and any other documents specified by a judicial officer should be submitted via e-mail pursuant to this section. Any other submission will be considered to be ex parte and will not be reviewed. The chambers' e-mail addresses are:

JUDICIAL OFFICER	E-MAIL ADDRESS
Chief Judge Lewis T. Babcock	Babcock_Chambers@cod.uscourts.gov
Senior Judge Richard P. Matsch	Matsch_Chambers@cod.uscourts.gov
Senior Judge John L. Kane	Kane_Chambers@cod.uscourts.gov
Senior Judge Zita L. Weinshienk	Weinshienk_Chambers@cod.uscourts.gov
Judge Edward W. Nottingham	Nottingham_Chambers@cod.uscourts.gov
Senior Judge Daniel B. Sparr	Sparr_Chambers@cod.uscourts.gov
Judge Wiley Y. Daniel	Daniel_Chambersl@cod.uscourts.gov
Judge Walker D. Miller	Miller_Chambers@cod.uscourts.gov
Judge Marcia S. Krieger	Krieger_Chambers@cod.uscourts.gov
Judge Robert E. Blackburn	Blackburn_Chambers@cod.uscourts.gov
Judge Phillip S. Figa	Figa_Chambers@cod.uscourts.gov
Magistrate Judge O. Edward Schlatter	Schlatter_Chambers@cod.uscourts.gov
Magistrate Judge Patrica A.. Coan	Coan_Chambers@cod.uscourts.gov
Magistrate Judge Michael J. Watanabe	Watanabe_Chambers@cod.uscourts.gov
Magistrate Judge Boyd N. Boland	Boland_Chambers@cod.uscourts.gov
Magistrate Judge Craig B. Shaffer	Shaffer_Chambers@cod.uscourts.gov
Magistrate Judge Gudrun J. Rice	Rice_Chambers@cod.uscourts.gov
Magistrate Judge David L. West	West_Chambers@cod.uscourts.gov

3. **Signed Orders.** The clerk shall enter all signed orders on the docket in ECF.

M. Notice of Court Orders and Judgments. Immediately upon the entry of an order or judgment on the docket in ECF, the clerk will transmit a Notice of Electronic Filing which constitutes the notice required under Fed.R.Civ.P. 77(d). The clerk shall give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Civil Procedure.

N. Entry on Docket by Clerk.

1. **Fed.R.Civ.P. 58 and 79.** All orders, decrees, judgments, and proceedings of the court filed in ECF shall constitute entry on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79.
2. **Same Force and Effect.** Any order or other court-issued document filed electronically without the original manual signature

of a judicial officer or clerk has the same force and effect as if the judicial officer or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

3. **“Text Only Order” Docket Entry.** An order may be issued as a “text only order” entry on the docket, without an attached document. Such orders are official and binding. A judicial officer or the Clerk’s Office, if appropriate, may issue routine orders or notices by a “text only” docket entry for which ECF will generate a Notice of Electronic Filing and e-mail notification to parties in ECF. In such cases, no PDF document will be attached. The “text only order” will constitute the court’s only documentation on the matter. Copies of a Notice of Electronic Filing for the “text only” docket entry will be sent in paper format to those not using ECF.

O. Bill of Costs. Bills of Costs shall be filed electronically in ECF.

P. Appeals in General. When a Notice of Appeal is filed in ECF, it is not necessary to provide the court with paper copies of the notice for service on the other parties. The Notice of Electronic Filing generated by the system will constitute the copy the clerk is required to serve under Fed. R. App. P. 3(d). See Section V.D.3.c regarding filing fees.

Q. Bonds and Negotiable Instruments. Upon the electronic filing of a bond, except for a supersedeas bond, or the attaching of a negotiable instrument, the original shall be transmitted to the Clerk’s Office with a cover page noting that this document has been filed electronically and that the original is being filed in accordance with the ECF Procedures for the District of Colorado.

A supersedeas bond requires court approval and shall be filed and transmitted as a proposed order under Section V.L.

VI. SEALED DOCUMENTS, EX PARTE SUBMISSIONS, DOCUMENTS FOR IN CAMERA REVIEW AND CONFIDENTIAL SETTLEMENT STATEMENTS

A. Filing of Papers and Documents Under Seal. *[The court is currently reviewing the technical and operational issues raised by sealed cases and sealed documents. Procedures will be circulated when these issues are resolved.]*

B. Ex Parte Submissions. A party who seeks to submit or file a document without giving notice to other parties may present the document to a judicial officer by mailing or hand delivering the document to the Clerk’s

Office for the judicial officer in paper.

1. **Label.** Any document submitted pursuant to this subsection must be clearly labeled “ex parte.”
2. **Judicial Officer.** A judicial officer who receives a document submitted “ex parte” may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as deemed most appropriate.

C. Documents Submitted for In Camera Review. A party who seeks to present a document to a judicial officer for in camera review, whether acting on the party’s own initiative or pursuant to a court order, shall present the document to the judicial officer by mailing or hand delivering the document to the Clerk’s Office for the judicial officer in paper.

1. **Label.** Any document submitted pursuant to this subsection must be clearly labeled “for in camera review.”
2. **Judicial Officer.** A judicial officer who receives a document submitted for in camera review may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as deemed most appropriate.

D. Confidential Settlement Statements. Confidential settlement statements shall be submitted via e-mail transmission as explained in Section V.L.2. A confidential settlement statement shall be sent as an attachment to the e-mail with “confidential settlement statement - short case title and case number” (e.g., confidential settlement statement - *Jones v. Smith*, case number) in the subject line.

VII. SOCIAL SECURITY CASES

Absent a showing of good cause, all documents, notices and orders in social security reviews shall be filed and noticed electronically in ECF, except as noted below.

A. Administrative Record. The administrative record will be filed and served in paper format because scanning that set of documents and filing or retrieving them electronically is impractical at this time. The Clerk’s Office will post a text only event in ECF, stating that the records are available in paper format at the Clerk’s Office.

- B. Other Documents.** All other documents in the case, including briefs, will be filed and served electronically in ECF.
- C. Access.** Pursuant to the policy of the Judicial Conference of the United States, Internet access to documents filed in social security cases is limited to attorneys of record. The public will have Internet access to docket sheets only. The public may view documents in social security cases on the public terminals in the Clerk's Office during normal business hours. Documents not filed electronically may be reviewed in the Clerk's Office.
- D. Redaction.** Social security cases must comply with all redaction procedures pursuant to the E-Government Act of 2002. See Section XII.

VIII. EMERGENCY MATTERS IN BANKRUPTCY APPEALS

If a matter needs to be brought to the court's attention before the transmittal of the notice of appeal, the moving party shall file the case-initiating motion in the manner outlined in Section V.D. and V.F. for initiating a case. The e-mail address for submitting the motion is newcases@cod.uscourts.gov.

IX. POST-JUDGMENT PROCESS

Parties needing to have writs and other post-judgment process issued by the court shall submit the items electronically to newcases@cod.uscourts.gov. If appropriate for issuance, the clerk shall sign, seal and return the documents to the filing party for service.

X. HYPERLINKS

- A. Types of Hyperlinks.** Electronically filed documents may contain the following types of hyperlinks:
 - 1. hyperlinks to other portions of the same document; and
 - 2. hyperlinks to a location on the Internet that contains a source document for a citation.
- B. Standard Citation Format Required.** Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document.
- C. Limitation.** Neither a hyperlink, nor any site to which it refers, shall be considered part of the official record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

- D. Disclaimer.** The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

XI. PRIVACY POLICY

- A. Information to Be Redacted.** In accordance with the E-Government Act of 2002, Pub. L.107-347, and the policy of the Judicial Conference of the United States, unless otherwise ordered by the court, parties shall not include, or shall redact, the following information from all documents filed in ECF:
1. **Social Security Numbers.** Use only the last four digits.
 2. **Names of Minors.** Use the minor's initials.
 3. **Date of Birth.** Use only the year.
 4. **Financial Account Numbers.** Identify the name or type of accounts and the financial institutions, but use only the last four digits of the account numbers.
- B. Enforcement.** It is the responsibility of counsel and the parties to redact personal identifiers. The clerk will not screen documents and will not reject them solely on the basis that they contain personal identifiers.
- C. Other Confidential Information.** Filers may modify or partially redact other confidential information as permitted by the court (e.g., driver's license numbers, medical records, employment history, individual financial information, and proprietary or trade secret information).
- D. Filing Unredacted Documents Under Seal.** In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:
1. file an unredacted version of the document under seal, or
 2. file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right. The unredacted version of the document or

the reference list shall be retained by the court as part of the record. The party shall file a redacted version for the public file.

XII. PUBLIC ACCESS TO ECF

- A. Access at the Clerk's Office.** Access to ECF is available to the public at no charge at the Clerk's Office during regular business hours.
- B. Paper Copies and Certified Copies.** Paper copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.
- C. Internet Access.** Remote electronic access to ECF is limited to subscribers to PACER. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases. Any member of the public can apply for a PACER account.

APPLICATION OF ATTORNEY TO FILE DOCUMENTS IN PAPER

ECF Form 1

INSTRUCTIONS: ECF REGISTRATION FORM - PRO SE

Case Management/Electronic Case Files (CM/ECF) is the new automated case management and electronic docketing system of the U.S. District Court in Colorado. CM/ECF provides a new, easy-to-use electronic filing feature that allows authorized individuals to electronically file and view court documents over the Internet. It also provides notice of electronic filing of documents by e-mail for ECF registered participants. Please note that you will need a PACER account to query cases and access case related documents.

Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion and other paper shall be signed by at least one attorney of record, or if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney's/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately change the password and notify the court.

Each pro se party desiring to file a pleading or other papers electronically must complete and sign the attached REGISTRATION FORM - PRO SE. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5; (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5 and 77, except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment.

Registered pro se parties will have privileges to electronically submit pleadings and papers and view the electronic docket sheets and documents. By registering, participants consent to receiving electronic notice of filings through the system.

A user accesses court information via the court's Internet site or through the Public Access to Court Electronic Records (PACER) Service Center. Although the court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER service account is mandatory. The Judicial Conference of the United States has recently approved a schedule of fees to be charged for selected electronic records access requests by users of the CM/ECF system. This requires a PACER account in addition to, but separate from, the CM/ECF registration. If you have not yet received a PACER account, contact the PACER Service Center at <http://pacer.psc.uscourts.gov> or call the PACER Service Center at 1-800-676-6856 or 210-301-6440.

A non-prisoner pro se may apply to register as a participant in ECF by completing the attached REGISTRATION FORM - PRO SE and submitting it to the Clerk's Office. If the applicant is approved by the court, the Clerk's Office will send the applicant's ECF login to the applicant's e-mail account. Upon closure of the case for which access is granted (and the expiration of all appeal periods), the account will be deactivated. Unless authorized to file in ECF, non-prisoner pro se filers must file their documents in paper. The documents will be scanned and uploaded to ECF by court staff.

Once registration is complete, you will receive notification via e-mail of your user id needed to access the system. The combination of login and password will serve as the signature of the pro se filing documents. You must protect the security of your password and immediately change the password and notify the court if you learn that their password has been compromised by an unauthorized user. You may contact the Electronic Filing Help Desk in the Clerk's Office at 303-335-2050 or toll free at 866-365-6381 if you have any questions concerning the registration process or the use of the electronic filing system. Completion of all the following fields is required for registration; incomplete registrations will not be processed.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

ECF REGISTRATION FORM - PRO SE

To register for an account on this court's Electronic Case Filing System (ECF), please complete the following information.

First Name: _____

Middle Name: _____

Last Name: _____

Address : _____

Phone: _____

City: _____ State: _____ Zip: _____

Email 1: _____

For the purpose of confirmation receipt and system login credentials.

Email 2: _____

The undersigned agrees to abide by all Court rules, orders, and policies and procedures governing the use of the electronic filing system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5 and 77 via the Court's electronic filing system. The undersigned certifies that he/she has read and is familiar with the rules of practice and the Electronic Case Filing Procedures governing electronic filing, which may be found on this website. The undersigned consents that use of the undersigned's login and password when filing papers and pleadings will serve as their signature pursuant to and for the purposes of Fed.R.Civ.P. 11. You agree that all transmissions for electronic case filings of pleadings and documents to the ECF system shall be titled in accordance with the approved directory of civil events of the ECF system.

By signing this form, you certify that you have a PACER account. Visit the PACER website at <http://pacer.psc.uscourts.gov> to establish a PACER account.

I accept the above rules and guidelines.

Signature: _____ Date: _____

Mail Completed Form to:
Clerk, United States District Court
Electronic Filing Registration
901 19th Street, Room #A105
Denver, Colorado 80294-3589

The information contained in this box will be maintained confidentially, and is necessary for security/confirmation purposes.

Last four digits of SSN: _____

Mother's maiden name: _____

CM/ECF Password*: _____

* Must be eight (8) characters in length.

____ Approved _____ Disapproved

Judicial Officer

Date

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

SAMPLE FORMATS - CERTIFICATE OF SERVICE (CM/ECF)

Sample A

I hereby certify that on _____ Date _____, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

_____, and I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participants in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

s/ _____
Attorney Name
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax
Attorney's E-mail Address

Sample B

I hereby certify that on _____ Date _____, I presented the foregoing to the Clerk of Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following e-mail addresses:

_____, and I hereby certify that I have mailed or served the document or paper to the following participants in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

s/ _____
Attorney Name
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax
Attorney's E-mail Address